

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

GEORGE D. McCARLEY,)	
)	
Plaintiff,)	
)	
)	
v.)	
)	CIVIL ACTION NO. 3:06CV91-MEF
HOUSEHOLD FINANCE)	
CORPORATION III, et al.,)	
)	
Defendants.)	

ORDER

On 15 November 2006, Chief Judge Fuller entered an Order, Judgment, and Decree (Doc. #21) concerning the 15 lawsuits in this consolidated matter. The Court's Order, Judgment, and Decree dismissed 10 of the lawsuits. It also dismissed Plaintiff's federal constitutional and state law contract claims against all Defendants. The Order, Judgment, and Decree further dismissed Plaintiff's claims under the Truth in Lending Act against all Defendants and Plaintiff's claims under the Real Estate Settlement Procedures Act against KPMG. The Magistrate Judge's Report and Recommendations (Doc. #16) noted that Plaintiff "also alleged violations of unnamed sections of Titles 12, 15, and 18 of the United States Code" (Doc. #16 at 4 n.5). At the status conference and in the Amended Complaint (Doc. #5), Plaintiff indicated that it was his intention to "eliminate from his Amended Complaint any references to referrals to the United States Attorney or to any acts that allegedly violate criminal laws" (Doc. #5 at 1). The Court construes

Plaintiff's comments as removing all remaining claims asserted under Title 18 from this action. With respect to Title 15, the Court only has found references to sections of the Truth in Lending Act in Plaintiff's Complaint (Doc. #1) and Amended Complaint (Doc. #5). Those claims have been dismissed by the District Judge's Order, Judgment, and Decree (Doc. #21). With respect to Title 12, the Court has found references to sections 1831b, 1831n, 1831o, and 1833a in Plaintiff's Complaint and Amended Complaint. Plaintiff asserts in his Amended Complaint that violations of 1831b, 1831n, and 1831o "appear guided by 12 U[.]S[.]C[.] §[]1833a." (Doc. #5 at 49). The language of section 1833a does not appear to support Plaintiff's assertion. Section 1833a permits civil penalties not exceeding \$1 million for violating certain specified provisions of Title 18 (and a provision of Title 15 not relevant to this case). 12 U.S.C. § 1833a (2000). Subsection 1833a(d) further expressly states that only the Attorney General can commence an action under 1833a. Id. Therefore, it is

ORDERED that Plaintiff shall address in a short and concise statement the violations of unnamed sections of Title 12 and 15 of the United States Code that have not been dismissed by Chief Judge Fuller's Order, Judgment and Decree (Doc. #21) on or before 2 February 2007. It is further

ORDERED that the Clerk of Court shall effect service of the Summons, Complaint (Doc. #1), and Amended Complaint (Doc. #5) upon the remaining Defendants named in Civil Case Nos. 06-cv-00093 (Household Finance Corporation III); 06-cv-00101 (HSBC Finance Corporation); 06-cv-00102 (HSBC Gr. Corp.); 06-cv-00103 (Household

International, Inc.); and 06-cv-00104 (HSBC Mortgage Services, Inc.). It is further

ORDERED that these Defendants shall file their Answers on or before 16 February 2007. It is further

ORDERED that the Clerk of Court shall serve a copy of this Court's Order and Recommendation of the Magistrate Judge (Doc. #16) with the exception of Exhibit A, as well as Chief Judge Fuller's Order, Judgment and Decree (Doc. #21) upon all Defendants in this consolidated case.

DONE this 26th day of January, 2007.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE